IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 4691 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

---

N.N.DESHPANDE

Versus

STATE OF GUJARAT

---

Appearance:

MR KS JHAVERI for Petitioner

MR VM PANCHOLI PUBLIC PROSECUTOR for Respondent No. 1

for Respondent No. 2

---

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 19/01/2001

ORAL JUDGEMENT

1. The respondent No. 2 filed a Criminal Complaint against the petitioner in the Court of Judicial

Magistrate First Class, Rajkot alleging that the petitioner had committed an offence punishable under Section 500 of Indian Penal Code. The said complaint was numbered as Inquiry Case No. 373/93 and the learned Magistrate initially kept the complaint for inquiry under Section 202 of Criminal Procedure Code. After recording the evidence of the complainant, the learned Magistrate ordered the complaint to be registered ( Criminal Case No. 3092/93 and ordered summons to issue. The petitioner, thereupon, filed the present Misc. Criminal Application under Section 482 of Cr. P.C praying that the complaint be quashed. Rule was issued on 9.9.1993 and interim relief was granted staying further proceedings in the said criminal case. The respondent no. 2 - the original complainant has not entered appearance, though, he has been duly served.

2. From the complaint, it appears that the dispute is between the members of the Union. The petitioner was the General Secretary of the Union and the allegation in the complaint is that the petitioner had issued a circular against the complainant. However, no such circular appears to have been produced before the Trial Court. It is not shown what defamatory statement was made by the petitioner against the respondent. It appears that the complaint was filed only because of union rivalry and it does not disclose any offence punishable under Section 500 of the Cr. P.C.

3. The petition is, therefore, allowed and the proceedings in the Criminal Case No. 3092/93 pending in the Court of Judicial Magistrate First Class, Rajkot are quashed. Rule is made absolute accordingly.

( M. C. Patel, J.)
pallav.